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10 Attorneys for Plaintiffs
11 JAREK MOLSKI
12 and DISABILITY RIGHTS
13 ENFORCEMENT, EDUCATION,
14 SERVICES: HELPING YOU
15 HELP OTHERS

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 JAREK MOLSKI, an individual; and) CASE NO. C04-4713 RS
19 DISABILITY RIGHTS ENFORCEMENT,)
20 EDUCATION, SERVICES: HELPING)
21 YOU HELP OTHERS, a California public)
22 benefit corporation,)
23 Plaintiffs,)
24 v.)
25)
26)
27)
28)

**STIPULATION AND
ORDER GRANTING EXTENSION OF
TIME FOR DEFENDANTS CAPSTONE,
MORNING, CHASE; and JAMES KNELL,
TO RESPOND TO COMPLAINT**

19 LUGANO SWISS BISTRO; ANDRE)
20 LENGACHER and NARGIS DIN)
21 LENGACHER, dba LUGANO SWISS)
22 BISTRO, CAPSTONE, MORNING,)
23 CHASE; and JAMES KNELL, an)
24 individual,)
25 Defendants.)
26)
27)
28)

29 Plaintiffs JAREK MOLSKI, an individual; and DISABILITY RIGHTS
30 ENFORCEMENT, EDUCATION SERVICES: HELPING YOU HELP OTHERS, a California
31 public benefit corporation, through their undersigned counsel, and defendants CAPSTONE,
32 MORNING, CHASE; and JAMES KNELL, an individual, through their undersigned counsel
33 stipulate as follows:

1. WHEREAS Defendants CAPSTONE, MORNING, CHASE; and JAMES KNELL
2. were served with the Summons and Complaint on September 1, 2005;
3. WHEREAS the parties are working toward resolution of the injunctive issues;
4. WHEREAS the parties do not wish to incur the expense of preparing and
5. reviewing an Answer and appearing for a scheduling conference without first
6. having the opportunity to resolve this on their own; and,
7. WHEREAS the parties are hopeful that they will be able to reach a settlement
8. within the next few weeks,

9 IT IS HEREBY STIPULATED THAT:

10 1. Defendants CAPSTONE, MORNING, CHASE; and JAMES KNELL are granted
11 an extension of time to and including October 15, 2005 to answer or otherwise respond to
12 plaintiffs' complaint;

13 2. In the event defendants CAPSTONE, MORNING, CHASE; and JAMES KNELL,
14 file a motion in lieu of an answer to plaintiffs' complaint, the hearing on such motion shall be set
15 on a date no sooner than 45 days from the filing of said motion;

16 3. Defendants further stipulate that they will comply with any and all due dates
17 dictated by the Federal Rules of Civil Procedure, the Local Rules of Court, and/or any scheduling
18 order issued by the court prior to the date on which defendants' responsive pleading is due
19 hereunder.

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IT IS SO STIPULATED.

DATED: September 15, 2005

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By: _____ /s/
Kristina M. Wertz
Attorneys for Plaintiffs JAREK MOLSKI, and
DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU HELP
OTHERS

DATED: September 13, 2005

LOMBARDO & GILLES
A PROFESSIONAL LAW CORPORATION

By: _____ /s/
James W. Sullivan
Attorneys for Defendants CAPSTONE,
MORNING, CHASE; and JAMES KNELL, an
individual

ORDER

Defendants CAPSTONE, MORNING, CHASE; and JAMES KNELL, an individual, are granted an extension of time up to and including October 15, 2005 to answer or otherwise respond to plaintiffs' complaint.

IT IS SO ORDERED.

DATED: September 15, 2005

By: /s/ Richard Seeborg
Hon. Richard Seeborg
UNITED STATES MAGISTRATE JUDGE